

LYMAN N. COOK.

[To accompany bill H. R. No. 459.]

MAY 26, 1842.

Mr. SANFORD, from the Committee on Invalid Pensions, submitted the following

REPORT :

*The Committee on Invalid Pensions, to whom were referred the petition and documents of Dr. Lyman N. Cook, report :*

That the petitioner proves, by his own affidavit and that of *Eli Hill*, that he went into the service of the United States, in the fall of the year 1814, as surgeon's mate, under the said *Eli Hill*, who was the surgeon of Colonel Allen's regiment of New York militia; that he went into Canada, and was attached to the hospital department of General P. B. Porter's volunteers of militia for six months.

The petitioner states, in his affidavit, that, during the battle at Fort Erie, (on the 17th of September, 1814,) the drum of his right ear was ruptured, and the other so seriously injured by the discharge of cannon from Towson's battery, which was near the hospital, as to amount to almost total deafness; that this deafness still continues.

Surgeon *Eli Hill* states that, before the action at Fort Erie, the petitioner labored under no defect of hearing, and that he believes that the hearing of the petitioner was affected by the discharge of cannon from Towson's battery.

William W. Reynolds and Samuel S. Endress, practising physicians, testify that they have examined the petitioner, and find him laboring under a disability of one-half, in consequence of deafness produced by the rupture of the drum of the right ear, and a defect in the left.

Oliver D. Stacy testifies that "he was a sutler at Fort Erie in the fall of 1814; was intimately acquainted with the petitioner previous to his going into the service, and up to the present time, (July, 1840;) that previous to the action of the 17th of September, 1814, said Cook did not labor under any defect of hearing, and believes that the deafness of said Cook was caused by discharge of cannon during said action."

John Strand swears that, in the fall of 1814, he was attached to the hospital at Fort Erie, and was well acquainted with Dr. Cook, and that, at the commencement of the action on the 17th September, 1814, he and said Cook were standing between the hospital and Towson's battery, when nearly all the cannon were simultaneously discharged; that Cook

was affected by it, and that he assisted him to a seat in the hospital; that he saw blood running from one or both ears, and assisted in washing it out; that said Cook was almost totally deaf during the remainder of the service. The credibility of the petitioner and witnesses is fully sustained.

The committee report a bill for one-half pay.